

Members

Rep. Clyde Kersey, Chairperson
Rep. Dan Stevenson
Rep. Cleo Duncan
Rep. Eric Gutwein
Sen. Ron Alting
Sen. Brandt Hershman
Sen. James Lewis
Sen. Timothy Lanane



RAIL CORRIDOR SAFETY COMMITTEE

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MEETING MINUTES¹

Meeting Date: September 19, 2007
Meeting Time: 1:00 P.M.
Meeting Place: State House, 200 W. Washington St., Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Rep. Clyde Kersey, Chairperson; Rep. Cleo Duncan; Rep. Eric Gutwein; Sen. Brandt Hershman; Sen. James Lewis; Sen. Timothy Lanane.

Members Absent: Rep. Dan Stevenson; Sen. Ron Alting.

After Rep. Kersey convened the meeting at 1:08 p.m., he explained that the railroad industry would be making a presentation concerning rail safety and security issues.

In his opening remarks, Steve Watson, CSX Transportation and Indiana Rail Transportation Group, addressed issues raised at the August 31 meeting of the Committee:

- Community preparedness regarding hazardous materials. CSX and Norfolk Southern have emergency plans. Copies of CSX's "Community Awareness

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Emergency Planning Guide" (Exhibit 1) and Norfolk Southern's "Railroad Emergency Response Planning Guide" (Exhibit 2) were distributed to Committee members. Communities can request from the railroad a yearly history of hazardous materials that move through their community. Advance notification of specific shipments is not feasible or practical; instead communities should prepare for the typical type of shipment that moves through their community.

- Hazardous materials training. Committee members received a booklet regarding the Emergency Response Training Center at the Transportation Technology Center in Pueblo, Colorado (Exhibit 3). Police and fire emergency responders receive training at the center as well as railroad employees.
- Notification procedures. It is recommended that train crews notify dispatchers in the event of a hazardous material incident. Train crews report to the dispatcher the train's location by referring to the milepost; dispatchers have the ability to take this information and use it to pinpoint the location of train to inform the police/ fire responders.
- Short line railroads. Short line railroads do not present a hazard. Twenty-five of the 32 shortlines that carry freight were questioned, and it was determined that only 12 move hazardous materials (primarily anhydrous ammonia used for fertilizer). Two of these railroads carry only small amounts and only two carry large amounts.

Jennifer MacDonald, Director, Government Affairs, Association of American Railroads, Washington, D.C., made a presentation which she submitted to the Committee in print form (Exhibit 4). Ms. McDonald explained that her association is the leading railroad policy research and technology association and the association's members include carriers in the U.S., Canada, and Mexico. Ms. MacDonald made the following points:

- 40% of all freight in the U.S. travels by rail, including 70% of all cars manufactured, 30% of the nation's grain harvest, 20% of all chemicals, and 65% of all coal.
- Train accident rates have declined significantly since 1980. Most railroad grade crossing fatalities are the result of error on the part of the driver of the automobile. States receive federal funds and have programs to reduce grade crossing accidents.
- Railroads are required by federal law to carry hazardous materials. The railroad's cost of insurance to carry hazardous materials is more than the revenue generated by carrying hazardous materials.
- Railroads use the VACIS inspection system to x-ray rail cars and check the contents against the train manifest. All rail cars traveling across U. S. borders are inspected using this system.
- The Association of American Railroads has a comprehensive security plan.
- The Transportation Security Administration (TSA) has issued voluntary guidelines for railroads to follow regarding security. Some areas (like Indianapolis) are designated high threat urban areas that require site-specific security plans. The U.S. Department of Transportation has proposed regulations for the transportation of hazardous materials, with the focus on analyzing the routes for transporting hazardous materials.

- H.R. 1 is the major federal rail security bill that recently became law. The bill requires the U.S. Department of Homeland Security (DHS) to perform risk assessments and the railroads to develop security plans that must be approved by the DHS. Railroad employees will be required to undergo security training. The railroads are training all their front line employees now, even before the regulations are promulgated.
- Freight trains have not historically posed a threat to security. Terrorism usually focuses on the mass transit lines.

Tom Streicher, General Superintendent, Safety, Security & Operations, American Association of Shortline Railroads, Washington, D.C. Mr. Streicher discussed Federal Railroad Administration (FRA) statistics concerning Indiana shortline railroads which showed improvement in safety over the past ten years including a 48% decrease in railroad employee injuries, an 8.2% decrease in train accidents and a 38% decrease in damaged or derailed cars. Mr. Streicher said that only five cars have ever had a hazardous materials incident in Indiana, although there has been a 37% increase in transportation of hazardous materials on shortlines. Mr. Streicher made the following points:

- Safety for shortlines could be improved by replacing track. One-third of annual revenue goes to fund track and infrastructure improvements.
- Federal law requires railroads to carry hazardous materials. An extra layer of state security regulation will not be beneficial. According to FRA statistics, it is 18 times safer to transport hazardous materials by train than by truck.
- Railroad technology can pinpoint the location of every rail car that carries hazardous materials. In response to a question from the Committee, he said that he could not speak to whether state law should require the railroads to notify the local authorities in the event of a hazardous materials incident.

Ron Haines, Chief Dispatcher, Norfolk Southern Railway, Fort Wayne, is the Chief Dispatcher of the Lake Division. Mr. Haines explained the notification procedure that the Lake Division, and all other divisions, follow when a train crew encounters a problem:

- If the incident occurs in a rail yard, the rail yard personnel immediately call 911.
- If the train crew is outside the railyard, they contact the Chief Dispatcher who calls the Police Communication Center (PCC) in Virginia. The PCC calls the local police and fire agencies. Other state and federal agencies will also be contacted. These notifications are made in a matter of minutes.

Mr. Haines said that these communications are made not just to comply with the law but to ensure the safety of other employees and the public. The employees of the railroad live in the surrounding communities, so by their actions they are ensuring the safety of their families. In response to Committee questioning, Mr. Haines said that a locomotive engineer knows what the train is transporting, because the engineer is given a train consist that has this information. Also, a guide is maintained in the locomotive as to the types of hazardous materials. Train crews are trained as to how close they can get to a car that has derailed while carrying a particular type of hazardous material; they are not trained how to remediate the spill. Rail employees tell local responders what they think the material is, so the responders will know how to respond. Often as a cautionary measure, they will suspend the train traffic or reduce the speed of the train traffic near an event with a large public attendance.

Jim Thompson, Vice President Operations, Chicago, South Shore & South Bend Rail Road, Michigan City, explained that his railroad is a Class 3 Railroad. He said that in 2006, the South Shore handled 51,000 car loads of which 274 (about 1/2 of 1%) contained hazardous materials that constitute a toxic inhalant hazard (TIH). His railroad does constant training to ensure the safe movement of all commodities, including training managers at the Transportation Technology Center. His railroad has already taken the following safety measures:

- Installed locks on all locomotives.
- Installed auxiliary power units (which shut down the locomotive when it is not in use) in 50% of the locomotives.
- Locomotives have removable on board computers, so the crew has continual contact with operations.
- Cameras monitor railroad offices and maintenance facilities and rear-end cameras were installed on the trains.
- The Northern Indiana Commuter Transportation District (NICTD) has a state of the art dispatching center that allows the dispatcher to make immediate contact with the local authorities in the event of a hazardous materials incident.
- Negotiating with the Class 1 railroads to move the interchange of hazardous materials out of the high risk urban areas.

Mr. Thompson read "NICTD Statement Regarding Homeland Security & Emergency Preparedness" (Exhibit 5).

Bob Babcock, General Manager, Transportation, Indiana Rail Road Company, Indianapolis, explained that in 2006 his railroad transported 160,000 car loads of which 754 contained hazardous material. 135 of those cars consisted of TIH, (primarily anhydrous ammonia for fertilizer and chlorine for treatment of water systems). Mr. Babcock said that his railroad is audited by the TSA since it is located in a high risk urban area. Mr. Babcock made the following comments about what his railroad has done to promote safety:

- A dispatcher is on duty 24 hours a day. If a train crew encounters a problem, the dispatcher is contacted and calls 911. Railroad employees work with the local police/fire response team.
- Train crews receive annual training as to what types of materials are in rail cars and how to respond in the event of an incident. Crews are told that if they see something wrong they need to report it and call in the local response teams. Some employees are trained at the Emergency Response Training Center at the Transportation Technology Center while some are trained at the National Labor College. Mock drills are performed for training purposes. He referred to a handout regarding a training program on pressurized tank car operations. (Exhibit 6)
- Installed auxiliary shut down units in locomotives.
- Although they have not installed locks, engineers remove the reversers from the locomotives before leaving them.

- The trains are equipped with global positioning systems (GPS) so if the engineer calls in the milepost location of the train, the responders can pinpoint its exact location.
- They are looking at installing fences, gates, and keyless entry system. They currently have camera surveillance and are working on improving security where there is a high concentration of cars.

John Secor, President, Louisville & Indiana Railroad, Jeffersonville, said that his railroad is a Class 3 railroad consisting of 170 miles of track between Indianapolis and Louisville. He said that in 2006 the railroad transported 25,000 carloads per year of which 230 contained hazardous materials and of those, 30 carloads consisted of TIH. Some Class 1 railroads also use their track. He said that one out of every 1,000 cars in the nation contains hazardous materials and more than 99.9% of hazardous materials shipments arrive without incident. He made the following comments regarding his railroad's safety efforts:

- His railroad has a safety action plan that they share with each community. They provide specific information regarding locomotives to the communities.
- Locomotives have on board computers for communication.
- Two officers receive training at the Emergency Response Training Center at the Transportation Technology Center. The railroad has a security director.
- The locomotives have been equipped with locking mechanisms and hot starts.
- Cameras and derail devices have been installed in the railyard to prevent the entrance of unauthorized locomotives.
- Thousands of dollars have been spent on measures to try to prevent entry of trespassers, including fencing, gates, cameras, employment of private security companies, keyless entries, and employee awareness programs. These measures are pointless without strong enforcement of the trespasser laws. Mr. Secor said that most trespassers do so simply because they are interested in trains or enter to paint graffiti.

Mr. Secor said that the measures his railroad has employed are expensive and are not reimbursed, so he would not support a state law that required each railroad to do these things. He said that to imply that short lines present a safety risk is a misrepresentation of the facts. He urged the Committee not to add another layer of government on top of federal regulation.

After Steve Watson's closing remarks, Rep. Kersey asked if anyone in the audience wanted to address the Committee. Bill Verdeyen, Brotherhood of Locomotive Engineers, said that his organization is interested in local communities being notified quickly of a hazardous materials incident and in restricting access to the railyards, not to the right of way. Rep. Kersey scheduled the last meeting of the Committee for October 17 at 1:00 pm. He said he hoped the Indiana Department of Homeland Security would address the Committee. Rep. Kersey adjourned the meeting at 2:50 p.m..